IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 6306 of 2006
Date of decision : 28.11.2006

Bank of Maharashtra & Anr.

.....Petitioners.

Versus

Her Clothing Pvt. Limited.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.R.P. Kansal ,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

Present revision petition has been filed against the orders dated 14.9.2005 and 7.11.2006 passed by the learned Addl. Civil Judge (Sr.Divn.), Ludhiana vide which the application moved by the defendant petitioner under Order 1 Rule 10 C.P.C. has been declined.

The learned trial Court has rightly come to the conclusion that M/s Goyal & Sons, Madhopuri Ludhiana is neither necessary nor proper party to the suit pending between the parties as the plaintiffs have claimed money decree against the Bank for encashing the cheques against the instructions issued by the plaintiff-petitioner. The plaintiff has to succeed or fail on the pleadings as alleged. The learned trial Court was right in coming to the conclusion that the application filed by the defendant is totally misconceived. The learned counsel for the petitioner submits that this application ought to have been allowed as it will lead to multiplicity of litigation between the parties. This contention of the learned counsel for the

petitioner is totally misconceived as there is no question of multiplicity of litigation in this case as no relief against M/s Goyal & Sons has been claimed.

There is no error or illegality in the order passed by the learned trial Court which may call for interference by this Court.

Dismissed.

28.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**